

ASSEMBLY BILL

No. 807

Introduced by Assembly Member Fuentes

February 26, 2009

An act to amend Sections 6221 and 6228 of the Penal Code, relating to restitution centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 807, as introduced, Fuentes. Restitution centers.

Existing law establishes restitution centers for inmates to provide a means for those sentenced to prison to be able to pay their victims' financial restitution, as specified.

This bill would revise what is included by the term "restitution" for these purposes, and provide that inmates who commit crimes involving a direct victim shall receive priority placement in restitution centers.

Existing law provides criteria for eligibility for placement in a restitution center, including in part, that a defendant is eligible for placement in a restitution center if he or she has not served a prison term within the 5 years prior to the present conviction, does not have a criminal history of a conviction for the sale of drugs or for a crime involving violence or sex, and did not receive a sentence of more than 36 months.

This bill revises those criteria to provide, among other criteria, that a defendant is eligible for placement in a restitution center if he or she does not have a criminal history of a conviction for the sale of drugs within the last 5 years, or for an offense requiring registration as a sex offender, or for a serious or violent felony, and the defendant did not receive a sentence of more than 60 months for the current offense or offenses.

The bill would also state findings and declarations by the Legislature pertaining to restitution centers and inmates.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Every year, more than 125,000 inmates are released from
3 California prisons. Of those released, more than half will return
4 to prison within two years, and more than 70 percent will return
5 within three years.

6 (b) The cost of incarceration alone has risen to a staggering
7 \$46,000 per inmate per year, which does not include the costs of
8 inmates participating in programming to address substance abuse,
9 mental health treatment, or educational and vocational training.

10 (c) The vast majority of inmates housed in California prisons
11 do not participate in a single program while incarcerated, and the
12 majority of inmates will be unemployed at the time of release from
13 prison, with few, if any, job prospects.

14 (d) Successful reentry models combine a continuity of services
15 before and after release from prison and real incentives to hold
16 former offenders accountable for using those services.

17 (e) The most successful models for preventing recidivism
18 include public-private partnerships among law enforcement,
19 government agencies, business and labor associations, private
20 employers, and community-based organizations formed to create
21 living wage employment opportunities for eligible former offenders
22 and to take advantage of existing programs and incentives for
23 hiring former offenders.

24 (f) The restitution center concept is a model where inmates
25 serving time for nonviolent, nonserious offenses can fulfill
26 obligations to pay restitution and other court related fines and fees
27 in addition to obtaining and maintaining employment.

28 (g) Being employed is a key factor ensuring a lower recidivism
29 rate and thus reducing taxpayer burdens.

30 SEC. 2. Section 6221 of the Penal Code is amended to read:

31 6221. The purpose of restitution centers is to provide a means
32 for those sentenced to prison to be able to pay their ~~victims~~ victims'
33 financial restitution, *which includes direct restitution to victims*

1 *as well as other restitution fines and fees*, as ordered by the
2 sentencing court; or as agreed upon by the defendant and his or
3 her victims. *Inmates who commit crimes involving a direct victim*
4 *shall receive priority placement in restitution centers.*

5 SEC. 3. Section 6228 of the Penal Code is amended to read:

6 6228. A defendant is eligible for placement in a restitution
7 center ~~if he or she has not served a prison term within the five~~
8 ~~years prior to the present conviction~~; the defendant does not have
9 a criminal history of a conviction for the sale of drugs *within the*
10 *last five years* or for ~~a crime involving violence or sex~~ *an offense*
11 *requiring registration pursuant to Section 290, or a serious felony,*
12 *as listed in Section 1192.7, or a violent felony, as listed in Section*
13 *667.5*, the defendant did not receive a sentence of more than ~~36~~
14 *60 months for the current offense or offenses*, the defendant
15 presents no unacceptable risk to the community, and the defendant
16 is employable. The provisions of Article 2.5 (commencing with
17 Section 2930) of Chapter 7 of Title 1 of Part 3, are applicable to
18 prisoners in restitution centers.